

Lewis Center for Educational Research

**BP 6173.1 INSTRUCTION
 EDUCATION FOR FOSTER YOUTH**

Adopted: June 12, 2023

The Lewis Center for Educational Research (“LCER”) Board of Directors (“Board”), which operates the Academy for Academic Excellence (“AAE”) and Norton Science and Language Academy (“NSLA”) (collectively, “LCER”), desires to ensure that foster children are provided equal access to the same free, appropriate public education provided to other children and youth. Foster students will be given access to the education and other services that such students need to ensure that they have an opportunity to meet the same challenging state student academic achievement standards to which all students are held. Foster students will not be stigmatized or segregated in a separate school or program based on the student’s status as foster youth.

Definitions

“*Foster youth*” means any of the following:

1. A child who is the subject of a petition filed pursuant to California Welfare and Institutions Code (“WIC”) section 309 (whether or not the child has been removed from the child’s home by juvenile court).
 2. A child who is the subject of a petition filed pursuant WIC section 602, has been removed from the child’s home by the juvenile court, and is in foster care.
 3. A non-minor under the transition jurisdiction of the juvenile court, as described in WIC section 450, who satisfies all of the following criteria:
 - a. The non-minor has attained 18 years of age while under an order of foster care placement by the juvenile court.
 - b. The non-minor is in foster care under the placement and care responsibility of the county welfare department, county probation department, Indian tribe, consortium of tribes, or tribal organization.
 - c. The non-minor is participating in a transitional independent living case plan.
 4. A dependent child of the court of an Indian tribe, consortium of tribes, or tribal organization who is the subject of a petition filed in the tribal court.¹
 5. A child who is the subject of a voluntary placement agreement, as defined in WIC section 11400.
- “*Former juvenile court school student*” means a student who, upon completion of the student’s second year of high school, transfers from a juvenile court school to an LCER school, excluding a school district operated by the Division of Juvenile

¹ The Charter School shall not require an Indian tribe or tribal court representative to certify that any student is a dependent of an Indian tribe, consortium of tribes, or tribal organization.

Justice of the Department of Corrections and Rehabilitation, from a juvenile court school.

- *“Child of a military family”* refers to a student who resides in the household of an active duty military member.
- *“Currently Migratory Child”* refers to a child who, within the last 12-months, has moved with a parent, guardian, or other person having custody to the LCER from another Local Educational Agency (“LEA”), either within California or from another state, so that the child or a member of the child’s immediate family might secure temporary or seasonal employment in an agricultural or fishing activity, and whose parents or guardians have been informed of the child’s eligibility for migrant education services. This includes a child who, without the parent/guardian, has continued to migrate annually to secure temporary or seasonal employment in an agricultural or fishing activity.
- *“Student participating in a newcomer program”* means a student who is participating in a program designed to meet the academic and transitional needs of newly arrived immigrant students that has as a primary objective the development of English language proficiency.
- *“Educational Rights Holder” (“ERH”)* means a parent, guardian, responsible adult appointed by a court to make educational decisions for a minor pursuant to WIC sections 319, 361 or 726, or a person holding the right to make educational decisions for the student pursuant to Education Code section 56055.
- *“School of origin”* means the school that the foster youth attended when permanently housed or the school in which the foster youth was last enrolled. If the school the foster youth attended when permanently housed is different from the school in which the student was last enrolled, or if there is some other school that the foster youth attended within the immediately preceding 15 months, the LCER liaison for foster youth, in consultation with and with the agreement of the foster youth and the ERH for the youth, shall determine, in the best interests of the foster youth, the school that shall be deemed the school of origin.
- *“Best interests”* means that, in making educational and school placement decisions for a foster youth, consideration is given to, among other factors, the opportunity to be educated in the least restrictive educational program and the foster youth’s access to academic resources, services, and extracurricular and enrichment activities that are available to all LCER students.
- *“Partial coursework satisfactorily completed”* includes any portion of an individual course, even if the pupil did not complete the entire course.

Within this Policy, foster/juvenile court youth, former juvenile court school students, a child of a military family, a currently migratory child, and a student participating in the newcomer program will be referred to collectively as “Foster and Mobile Youth.”

Foster and Mobile Youth Liaison

In order to help facilitate the enrollment, placement, and transfer of Foster and Mobile Youth to an LCER school, the LCER Board shall designate a Foster and Mobile Youth liaison. The Governing Board designates the following position as LCER's liaison for Foster and Mobile Youth:

AAE SCHOOL COUNSELOR
17500 MANA RD. APPLE VALLEY
760-946-5414 (Ext. 112)

NSLA SCHOOL COUNSELOR
503 E CENTRAL AVE. SAN BERNARDINO
909-386-2300 (Ext. 709)

The Foster and Mobile Youth Liaison shall be responsible for all of the following:

- Ensure and facilitate the proper educational placement, enrollment in an LCER school, and checkout from LCER of foster youth.
- Assist foster youth when transferring from one school to another school in ensuring proper transfer of credits, records and grades.
- When a foster youth is enrolling in an LCER school, the Foster and Mobile Youth Liaison shall contact the school last attended by the student within two (2) business days to obtain all academic and other records. The last school attended by the foster youth shall provide all required records to the new school regardless of any outstanding fees, fines, textbooks, or other items or moneys owed to the school last attended. When a foster youth is transferring to a new school, the Foster and Mobile Youth Liaison shall provide the student's records to the new school within two (2) business days of receiving the new school's request, regardless of any outstanding fees, fines, textbooks, or other items or moneys owed to LCER.
- When required by law, notify the foster youth's attorney and the appropriate representative of the county child welfare agency at least ten (10) calendar days preceding the date of the following:
 - An expulsion hearing for a discretionary act under AAE or NSLA's charter.
 - Any meeting to extend a suspension until an expulsion decision is rendered if the decision to recommend expulsion is a discretionary act under AAE or NSLA's charter. The foster youth's attorney and the agency representative will be invited to participate.
 - A manifestation determination meeting prior to a change in the foster youth's placement if the change in placement is due to an act for which the recommendation for expulsion is discretionary and the student is a student with a disability under state and federal special education laws. The foster youth's attorney and the agency representative will be invited to participate.

- As needed, make appropriate referrals to ensure that students in foster care receive necessary special education services and services under Section 504 of the federal Rehabilitation Act of 1973.
- As needed, ensure that students in foster care receive appropriate school-based services, such as counseling and health services, supplemental instruction, and after-school services.
- Develop protocols and procedures for creating awareness for LCER staff, including but not limited to principals, vice-principals, and attendance clerks, of the requirements for the proper enrollment, placement, and transfer of foster youth.
- Collaborate with the county placing agency, social services, probation officers, juvenile court officers, and other appropriate agencies to help coordinate services for LCER's foster youth.
- Monitor the educational progress of foster youth and provide reports to the President/CEO or designee and the LCER Board based on indicators identified in AAE or NSLA's local control and accountability plan.

This Policy does not grant the Foster and Mobile Youth Liaison authority that supersedes the authority granted under state and federal law to a parent or legal guardian retaining educational rights, a responsible person appointed by the court to represent the child pursuant to WIC sections 319, 361 or 726, a surrogate parent, or a foster parent exercising authority under Education Code section 56055. The role of the Foster and Mobile Youth Liaison is advisory with respect to placement options and determination of the school of origin.

School Stability and Enrollment

LCER will work with foster youth and their ERH to ensure that each foster youth is placed in the least restrictive educational programs and has access to the academic resources, services, and extracurricular and enrichment activities that are available to all students, including, but not limited to, interscholastic sports. All decisions regarding a foster youth's education and placement will be based on the best interest of the child and shall consider, among other factors, educational stability and the opportunity to be educated in the least restrictive educational setting necessary to achieve academic progress.

Foster youth, currently migratory children, and children of military families have the right to remain in their school of origin if it is their best interest. LCER will immediately enroll a foster youth, a currently migratory child, or child of a military family seeking re enrollment in one of its schools as their school of origin.

A foster youth, currently migratory child, or child of a military family who seeks to transfer to an LCER school will be immediately enrolled (subject to the school's capacity, if the LCER school is not the student's school of origin, and pursuant to the procedures stated in AAE or NSLA's charter and LCER Board policy) even if the student has outstanding fees, fines, textbooks, or other items or monies due to the school last attended or is unable to meet normal enrollment documentation or

school uniform requirements (e.g. producing medical records or academic records from a previous school).

At the initial detention or placement, or any subsequent change in placement, a foster youth may continue in their school of origin for the duration of the court's jurisdiction. A currently migratory child or child of a military family may continue in their school of origin as long as the student meets the definition of a currently migratory child or child of a military family as described above. Foster youth, currently migratory children, and children of military families have the right to remain in their school of origin following the termination of the court's jurisdiction or termination of the child's status as a currently migratory child or child of a military family, as follows:

1. For students in Kindergarten through eighth grade, inclusive, the student will be allowed to continue in the school of origin through the duration of the academic year in which the student's status changed.
2. For students enrolled in high school, the student will be allowed to continue in the school of origin through graduation.

If the foster youth, currently migratory child or child of a military family is transitioning between school grade levels, the youth shall be allowed to continue in the district of origin in the same attendance area to provide the youth the benefit of matriculating with their peers in accordance with the established feeder patterns of school districts. A student who is transitioning to a middle school or high school shall be allowed to enroll in the school designated for matriculation in another school district.

The Foster and Mobile Youth Liaison may, in consultation with and with the agreement of the foster youth and the ERH for the foster youth, recommend that the foster youth's right to attend the school of origin be waived and the student be enrolled in any district school that the student would otherwise be eligible to attend as a resident of the school district or in an LCER school consistent with current enrollment procedures. All decisions shall be made in accordance with the foster youth's best interests.

Prior to making any recommendation to move a foster youth from their school of origin, the Foster and Mobile Youth Liaison shall provide the foster youth and the foster youth's ERH with a written explanation of the basis for the recommendation and how the recommendation serves the foster youth's best interests.

If any dispute arises regarding a foster youth's request to remain in the LCER school as the foster youth's school of origin, the foster youth has the right to remain in the LCER school pending resolution of the dispute. The dispute shall be resolved in accordance with the existing LCER dispute resolution process.

Transportation

LCER shall not be responsible for providing transportation to allow a foster youth to attend school, unless there is an agreement with a local child welfare agency that LCER assumes part or all of the transportation costs in accordance with Section 6312(c)(5) of Title 20 of the United States

Code, or unless required by federal law. LCER is not prohibited from providing transportation, at its discretion, to allow a foster youth to attend school.

In accordance with Section 6312(c)(5) of Title 20 of the United States Code, LCER shall collaborate with local child welfare agencies to develop and implement clear written procedures to address the transportation needs of foster youth to maintain them in their school of origin, when it is in the best interest of the youth.

For any student who has an individualized education program (“IEP”), the student’s IEP team will determine if the student requires special education transportation as a related service regardless of the student’s status.

Effect of Absences on Grades

The grades of a foster youth shall not be lowered for any absence from LCER that is due to either of the following circumstances:

- a. A decision by a court or placement agency to change the student’s placement, in which case the student’s grades shall be calculated as of the date the student left school.
- b. A verified court appearance or related court-ordered activity.

Transfer of Coursework and Credits

LCER shall accept coursework satisfactorily completed by a Foster and Mobile Youth while attending another public school², a juvenile court school, a charter school, a school in a country other than the United States, or a nonpublic, nonsectarian school or agency even if the student did not complete the entire course and shall issue that student full or partial credit for the coursework completed. The credits accepted pursuant to this paragraph shall be applied for enrollment purposes to the same or equivalent course, if applicable, as the coursework completed in the prior public school, juvenile court school, charter school, school in a country other than the United States, or nonpublic, nonsectarian school. For purposes of the official transcript, the credits accepted pursuant to this paragraph shall be added to the credits earned from the same or equivalent course for purposes of calculating the total credits earned for the course but shall separately identify the school and local educational agency in which the credits were earned.

If a Foster and Mobile Youth transfers in or out of LCER, LCER shall issue the full and partial credits on an official transcript for the pupil and shall ensure the transcript includes all of the following:

- a. All full and partial credits and grades earned based on any measure of full or partial coursework being satisfactorily completed, including a determination of the days of enrollment or seat time, or both, if applicable, at a school of that local educational agency or a prior local educational agency, or any other public school, juvenile court school, charter school, school in a country other than the United States, or nonpublic, nonsectarian school.

² For purposes of coursework completed by a student who is a child of a military family, “public school” includes schools operated by the United States Department of Defense.

- b. The credits and grades for each school and local educational agency listed separately so it is clear where they were earned.
- c. A complete record of the pupil's seat time, including both period attendance and days of enrollment.

If LCER has knowledge that the transcript from the transferring local educational agency may not include certain credits or grades for the pupil, it shall contact the prior local educational agency within two business days to request that the prior local educational agency issue full or partial credits pursuant to this paragraph. The prior local educational agency shall issue appropriate credits and provide all academic and other records to LCER within two business days of the request.

If the Foster and Mobile Youth did not complete the entire course, the student shall be issued partial credit for the coursework completed and shall not be required to retake the portion of the course that the student completed at another school unless LCER, in consultation with the student's ERH, finds that the student is reasonably able to complete the requirements in time to graduate from high school. Whenever partial credit is issued to a Foster and Mobile Youth in any particular course, the student shall be enrolled in the same or equivalent course, if applicable, so that the student may continue and complete the entire course.

In no event shall LCER prevent a Foster and Mobile Youth from taking or retaking a course to meet the eligibility requirements for admission to the California State University or the University of California.

Applicability of Graduation Requirements

To obtain a high school diploma from LCER, a student must complete all courses required by AAE or NSLA and fulfill any additional graduation requirements prescribed by the Board. However, Foster and Mobile Youth who transfer to LCER any time after the completion of their second year of high school, and students participating in a newcomer program who are in their third or fourth year of high school, shall be exempt from any of the AAE or NSLA's graduation requirements that are in excess of the California minimum graduation requirements specified in Education Code section 51225.3 ("additional graduation requirements") unless LCER makes a finding that the student is reasonably able to complete AAE or NSLA's graduation requirements by the end of the student's fourth year of high school.

To determine whether a Foster and Mobile Youth is in their third or fourth year of high school, either the number of credits the student has earned to the date of transfer or the length of the student's school enrollment may be used, whichever will qualify the student for the exemption. For a student participating in a newcomer program, enrollment in grade 11 or 12 based on the average age of students in the third or fourth year of high school may be used to determine whether the student is in their third or fourth year of high school.

Within thirty (30) calendar days of the date that a student who may qualify for exemption under the above requirements transfers into LCER, LCER shall notify the student, the ERH, and where

applicable, the student's social worker or probation officer, of the availability of the exemption and whether the student qualifies for the exemption. If LCER fails to provide timely notice of the availability of the exemption, the Foster and Mobile Youth shall be eligible for the exemption from the additional graduation requirements once notified, even if that notification occurs after the termination of the court's jurisdiction over the student, if the foster youth otherwise qualifies for the exemption.

If a student is exempted from AAE or NSLA's additional graduation requirements pursuant to this Policy and completes the statewide coursework requirements specified in Educational Code section 51225.3 before the end of their fourth year of high school and that student would otherwise be entitled to remain in attendance at AAE or NSLA, LCER shall not require or request that the student graduate before the end of their fourth year of high school.

The President/CEO or designee shall notify a Foster and Mobile Youth and their ERH if LCER grants an exemption from the additional graduation requirements, and shall consult with the Foster and Mobile Youth and their ERH. The consultation shall include all of the following:

1. Discussion regarding how any of the requirements that are waived may affect the pupil's postsecondary education or vocation plans, including the ability to gain admission to a postsecondary educational institution.
2. Discussion and information about other options available to the pupil, including, but not limited to, a fifth year of high school, possible credit recovery, and any transfer opportunities available through the California Community Colleges.
3. Consideration of the pupil's academic data and any other information relevant to making an informed decision on whether to accept the exemption.

A Foster and Mobile Youth who would otherwise be entitled to remain in attendance at AAE or NSLA shall not be required to accept the exemption from additional graduation requirements or be denied enrollment in, or the ability to complete, courses for which the student is otherwise eligible, including courses necessary to attend an institution of higher education, regardless of whether those courses are required for statewide graduation requirements.

If a Foster and Mobile Youth who was eligible for an exemption and 1) was not properly notified of the availability of the exemption, or 2) previously declined the exemption pursuant to this Policy, LCER shall exempt the student within thirty (30) days of the exemption request, if an exemption is requested by the youth and the youth at one time qualified for the exemption, even if the pupil is no longer a Foster and Mobile Youth or the court's jurisdiction of the pupil has terminated. Likewise, if the youth is exempted, LCER may not revoke the exemption.

If a Foster and Mobile Youth is exempted from additional graduation requirements pursuant to this section, the exemption shall continue to apply after the termination of the court's jurisdiction over the student or after the termination of circumstances which make the student eligible while they are enrolled in school or if the student transfers to another school, including a charter school, or school district.

LCER shall not require or request a Foster and Mobile Youth to transfer schools in order to qualify for an exemption from additional graduation requirements, and no Foster and Mobile

Youth or any person acting on behalf of a Foster and Mobile Youth may request a transfer solely to qualify for an exemption from AAE or NSLA's additional graduation requirements.

Upon making a finding that a Foster and Mobile Youth is reasonably able to complete AAE or NSLA's additional graduation requirements within the student's fifth year of high school, the President/CEO or designee shall:

1. Consult with the student and the student's ERH about the student's option to remain in school for a fifth year to complete AAE or NSLA's graduation requirements, consistent with the laws regarding continuous enrollment and satisfactory progress for LCER students over age 19.
2. Consult with the student and the student's ERH about how remaining in school for a fifth year will affect the student's ability to gain admission to a postsecondary educational institution.
3. Consult with and provide information to the student about transfer opportunities available through the California Community Colleges.
4. Upon agreement with the student or, if the student is under 18 years of age, the ERH, permit the student to stay in school for a fifth year to complete AAE or NSLA's graduation requirements.

Through January 1, 2028, upon making a finding that a Foster and Mobile Youth is not reasonably able to complete AAE or NSLA's additional graduation requirements but is reasonably able to complete state coursework requirements **specified in Education Code Section 51225.3** within the student's fifth year of high school, the President/CEO or designee shall exempt the student from AAE or NSLA's graduation requirements and provide pupil the option of remaining in school for a fifth (5th) year to complete the statewide coursework requirements. LCER shall consult with the Foster and Mobile Youth and the ERH regarding all of the following:

1. The student's option to remain in school for a fifth year to complete the statewide coursework requirements.
2. How waiving the local educational requirements and remaining in school for a fifth year may affect the student's postsecondary education or vocation plans, including the ability to gain admission to an institution of higher education.
3. Whether any other options are available to the pupil, including, but not limited to, possible credit recovery, and any transfer opportunities available through the California Community Colleges.
4. The student's academic data and any other information relevant to making an informed decision on whether to accept the exemption and option to remain in school for a fifth year to complete the statewide coursework requirements.

If a Foster and Mobile Youth is not eligible for an exemption in the year in which the student transfers between schools, because LCER makes a finding that the student is reasonably able to complete AAE or NSLA's additional graduation requirements in time to graduate from high school by the end of the pupil's fourth year of high school, then LCER shall do the following:

1. Within the first 30 calendar days of the *following* academic year, LCER shall reevaluate eligibility;
2. Provide written notice to the student, the ERH, and the student's social worker or probation officer, if applicable, whether the student qualifies for an exemption, based on the course completion status of the student at the time of reevaluation, to determine if the student continues to be reasonably able to complete AAE or NSLA's additional graduation requirements in time to graduate from high school by the end of the student's fourth year of high school.
3. If, given their course completion status at that time the reevaluation is conducted, the pupil is not reasonably able to complete AAE or NSLA's additional graduation requirements in time to graduate from high school by the end of the student's fourth year of high school, LCER shall:
 - i. provide the student with the option to receive an exemption from all coursework and other requirements adopted by the LCER Board that are in addition to the statewide coursework requirements specified in Section 51225.3, or
 - ii. to stay in school for a fifth year to complete AAE or NSLA's additional graduation requirements.

LCER shall provide notification of the availability of these options. The student (if not a minor) or the ERH shall have sole discretion whether to accept the exemption, based on the student's best educational interests.

If a juvenile court youth satisfies the requirements for high school graduation while enrolled at a juvenile court school but has elected to decline the issuance of the diploma for the purpose of taking additional coursework, LCER will not prevent the juvenile court youth from enrolling in LCER and pursuing additional coursework if requested by the youth or by the youth's ERH.

Eligibility for Extracurricular Activities

A student who is in foster care whose residence changes pursuant to a court order or decision of a child welfare worker shall be immediately deemed to meet all residency requirements for participation in interscholastic sports or other extracurricular activities.

Waiver of Fees for Afterschool Programs

LCER shall not charge any student who LCER knows is in foster care any family fees associated with an After-School Education and Safety ("ASES") Program operated by LCER.

Student Records

When LCER receives a transfer request and/or student records request for the educational information and records of a foster youth from a new LEA, LCER shall provide these student records within two (2) business days. LCER shall compile the complete educational record of the student, including but not limited to a determination of seat time, full or partial credits earned, current classes and grades, immunization and other records, and, if applicable, a copy of the student's special education records including assessments, IEPs, and/or 504 plans. All requests for student records will be shared with the Foster and Mobile Youth Liaison, who shall be aware of the specific educational record keeping needs of Foster and Mobile Youth.

In accordance with the LCER's Educational Records and Student Information Policy, under limited circumstances, LCER may disclose student records or personally identifiable information contained in those records to certain requesting parties including but not limited to a foster family agency and state and local authorities within a juvenile justice system, without parental consent.

Complaints of Noncompliance

Complaints of noncompliance with this Policy shall be governed by LCER's Uniform Complaint Procedures. A copy of the Uniform Complaint Policy and Procedures is available on the website and upon request at the main office.

Reporting Requirements

LCER shall report to the California Department of Education ("CDE") annually on the number of pupils who, for the prior school year, graduated with an exemption from the school's graduation requirements that are in addition to the statewide coursework requirements. This data shall be reported for pupils graduating in the fourth year and fifth year cohorts, and shall be disaggregated by cohort, pupil category, race, and disability status. The CDE shall make this data publicly available on an annual basis aligned with other reporting timelines for the California dashboard graduation data. For purposes of this subdivision, "pupil category" means the categories of students identified in the "Definitions" section of this Policy, above.